

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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IN RE HURRICANE SANDY CASES

14-mc-0041 (CLP)(GRB)(RER)

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CATHERINE PETOSKE,

Plaintiff,

SHORT FORM ORDER

-against-

14-cv-3364 (ADS)(GRB)

TRAVELERS INSURANCE COMPANY,

Defendant.

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JOHN ZAREMBA,

Plaintiff,

-against-

14-cv-3486 (ADS)(GRB)

TRAVELERS INSURANCE COMPANY,

Defendant.

-----X

PATRICK PARUOLO,

Plaintiff,

-against-

14-cv-3404 (ADS)(SIL)

NATIONWIDE MUTUAL FIRE INSURANCE
COMPANY,

Defendant.

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APPEARANCES:

Harbatkin & Levasseur, P.A.

Attorneys for the Plaintiffs

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Englewood Cliffs, NJ 07632

By: Audwin F. Levasseur, Esq., Of Counsel

NO APPEARANCES:

The Defendants

SPATT, District Judge:

The parties' familiarity with the relevant facts and procedural history of these cases, which were set forth in greater detail in this Court's prior order, dated April 22, 2016, is presumed.

Relevant here, on February 22, 2016, a panel of United States Magistrate Judges (the "Panel"), which was designated to preside over actions seeking insurance coverage for damage caused by Hurricane Sandy ("Hurricane Sandy Cases"), issued identical Reports and Recommendations ("R&Rs") in the above-referenced cases. In particular, the Panel recommended that these cases be dismissed with prejudice for failure to prosecute, pursuant to Federal Rule of Civil Procedure ("Fed. R. Civ. P.") 41.

On April 22, 2016, this Court acknowledged the extended history of inactivity plaguing these cases, but recognized that the Plaintiffs may not have received notice of all relevant developments. Thus, noting the extreme nature of the recommended relief, the Court, in an abundance of caution, directed the Clerk of the Court to mail copies of its order to each of the Plaintiffs, together with additional copies of the Panel's underlying R&Rs. The court's electronic docketing system reflects that the Clerk complied with this directive on the same day.

The April 22, 2016 order further provided that the Plaintiffs would have 14 days from the date of the mailing to object to the relief recommended by the Panel, or request an extension of time to do so. However, more than 14 days have now passed and each of the

Plaintiffs has failed to file an objection; request an extension of time to do so; or otherwise appear in these actions.

Thus, pursuant to 28 U.S.C. § 636(b) and Fed. R. Civ. P. 72, the Court has reviewed the R&Rs for clear error, and finding none, now concurs in both their reasoning and results. Accordingly, the Panel's February 22, 2016 Reports and Recommendations are adopted in their entirety, and the above-captioned Hurricane Sandy Cases are dismissed with prejudice.

The Clerk of the Court is directed to close these cases.

It is **SO ORDERED**.

Dated: Central Islip, New York
May 9, 2016

/s/ Arthur D. Spatt

ARTHUR D. SPATT

United States District Judge